

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Frank Richard Jacobson v Norfolk Development Corporation**

Docket No. **276002**

L.C. No. **06-000289-CH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the January 30, 2007 order does not fall within MCR 7.202(6)(a)(iv). If it was the intent of the Supreme Court to make every postjudgment order that assessed attorney fees a final order under MCR 7.202(6)(a)(iv), the court rule would simply read, “a postjudgment order awarding or denying attorney fees and costs.” However, by adding the language “under MCR 2.403, MCR 2.405 ...” the Supreme Court was clearly limiting the type of postjudgment order that assessed costs that could be appealed by right. In this case the January 30, 2007 order involved litigation regarding a lien that occurred after entry of the MCR 7.202(6)(a)(i) final order. The merits of the removal of the lien is not before the Court and therefore it makes little sense to review by right an order assessing attorney fees involving that litigation. Any appeal must be by application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 22 2007

Date

Sandra Schultz Mengel
Chief Clerk